

**FILED**

AUG 26 2019

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIACLERK U.S. DISTRICT COURT  
WEST. DIST. OF PENNSYLVANIA

UNITED STATES OF AMERICA )

v. )

Criminal No. 19-261

SHELBY SUMMER BROWN )

**INFORMATION MEMORANDUM**

AND NOW comes the United States of America, by its attorneys, Scott W. Brady, United States Attorney for the Western District of Pennsylvania, and Heidi M. Grogan, Assistant United States Attorney for said District, and submits this Information Memorandum to the Court:

**I. THE INFORMATION**

A one-count Information was filed against the above-named defendant for alleged violations of federal law:

<b><u>COUNT</u></b>	<b><u>OFFENSE/DATE</u></b>	<b><u>TITLE/SECTION</u></b>
One	Coercion and Enticement of Any Individual to Travel to Engage in Illegal Sexual Activity  From on or about March 6, 2018 until on or about March 14, 2018	18 U.S.C. §§ 2422(a) and 2
Two	Conspiracy to Commit the Offense of Coercion and Enticement of Individual to Travel to Engage in Illegal Sexual Activity  From on or about March 6, 2018 until on or about March 14, 2018	18 U.S.C § 371

## **II. ELEMENTS OF THE OFFENSE**

### **A. As to Count 1:**

In order for the crime of Coercion and Enticement of Any Individual to Travel to Engage in Illegal Sexual Activity, in violation of 18 U.S.C. §§ 2422(a) and 2, to be established, the government must prove all of the following essential elements beyond a reasonable doubt:

1. That the defendant knowingly persuaded, induced, enticed, or coerced any individual to travel in interstate or foreign commerce, or attempted to do so; and
2. That the defendant intended the individual to engage in prostitution or any sexual activity for which any person could be charged with a criminal offense.

Title 18, United States Code, Section 2422(a).

### **B. As to Count 2:**

In order for the crime of Conspiracy to Commit the Offense of Coercion and Enticement of Any Individual to Travel to Engage in Illegal Sexual Activity, in violation of 18 U.S.C. § 371 to be established, the government must prove all of the following essential elements beyond a reasonable doubt:

1. That two or more persons agreed to commit an offense against the United States, as charged in the Indictment;
2. That Shelby Summer Brown was a party to or member of that agreement;
3. That Shelby Summer Brown joined the agreement or conspiracy knowing of its objective to commit offense against the United States and intending to join together with at least one other alleged conspirator to achieve that objective; that is, that Shelby Summer Brown and at least one other alleged conspirator shared a unity of purpose and the intent to achieve a common goal or objectives, to commit an offense against the United States; and
4. That at some time during the existence of the agreement or conspiracy, at

least one of its members performed an overt act in order to further the objectives of the agreement.

Third Circuit Model Criminal Jury Instruction 6.18.371A.

### **III. PENALTIES**

**A. As to Count 1: Coercion and Enticement of Any Individual to Travel to Engage in Illegal Sexual Activity (18 U.S.C. § 2422(a) and § 2):**

1. Imprisonment of not more than twenty (20) years (18 U.S.C. § 2422(a)).
2. A fine of not more than \$250,000.00 (18 U.S.C. § 3571(b)(3)).
3. Supervised release for any term of years not less than 5, or life (18 U.S.C. § 3583(k)).
4. Any or all of the above.

**B. As to Count 2: Conspiracy to Commit the Offense of Coercion and Enticement of Any Individual to Travel to Engage in Illegal Sexual Activity (18 U.S.C. § 371):**

1. Imprisonment of more than 5 years (18 U.S.C. § 371).
2. A fine not more than the greater of:
  - (a) \$250,000 (18 U.S.C. § 3571(b)(3));
  - or
  - (b) an alternative fine in an amount not more than the greater of twice the gross pecuniary gain to any person or twice the pecuniary loss to any person other than the defendant, unless the imposition of this alternative fine would unduly complicate or prolong the sentencing process (18 U.S.C. § 3571(d));
3. a term of supervised release of not more than three (3) years (18 U.S.C. § 3583);
4. Any or all of the above.

**IV. MANDATORY SPECIAL ASSESSMENT**

A mandatory special assessment of \$100.00 must be imposed at each count upon which the defendant is convicted, pursuant to 18 U.S.C. § 3013.

An additional special assessment of \$5,000.00 must be imposed as the offense was committed after May 29, 2015 and the offense is located within Chapter 117 of Title 18, United States Code. 18 U.S.C. § 3014(a).

**V. RESTITUTION**


Restitution may be required in this case as to Counts One and Two, together with any authorized penalty, as part of the defendant's sentence pursuant to 18 U.S.C. §§ 3663, 3663A, and 3664.

**VI. FORFEITURE**

As set forth in the Information, forfeiture may be applicable in this case.

Respectfully submitted,

SCOTT W. BRADY  
United States Attorney

  
HEIDI MCGROGAN  
Assistant U.S. Attorney  
PA ID No. 203184